

THE HONOURABLE SRI JUSTICE V. ESWARAI AH

WRIT PETITION No.6365 OF 2007

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DATED: 30-03-2007

BETWEEN

T. Mallanna, S/o. late Sidhappa,
R/o. 4-5-63/2, Ramamandir Street,
Sadhasivapet, Medak District.

...PETITIONER

AND

The Sadhashivapet Municipality,
Rep. by its Commissioner,
Sadhashivapet Municipality,
Medak District.

...RESPONDENT

ORDER:

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Petitioner submits that he is the absolute owner and possessor of the ancestral property consisting of two shops and open plot bearing No.2-7-13 (old) and 2-7-14 (new) in an extent of 251-70 sq. meters situated at Ramamandir Street, Sadhasivapet, Medak District.

He further submits that he filed an application before the respondent along with the layout plan for grant of sanction of the building plan vide lay out dated 12.07.2005 and also paid a sum of Rs.6,605/- towards betterment and all other charges. But the said application for sanction of layout was not considered, therefore, the petitioner filed W.P.No.25830 of 2006, which was disposed on 22.12.2006 directing the respondent to consider and dispose the said application of the petitioner.

2. The grievance of the petitioner is that in spite of this Court's direction his application has not been considered, but impugned notice under Sections

192, 193 and 194 of the Andhra Pradesh Municipalities Act, 1965 in Roc.No.G1/4/07 dated 23.03.2007 has been issued stating that the petitioner encroached the Kandakam land (Government Land) to an extent of 22' x 50' by way of construction raising RCC pillars, which is causing inconvenience to the traffic and public. Therefore, the petitioner was directed to remove the said encroachment within three days from the date of receipt of the notice, failing which the respondent would remove the same. Admittedly, no opportunity has been given to the petitioner to let him know as to whether he encroached the Government land and as to whether the constructions made by him is causing inconvenience to traffic and public, but straightaway the impugned notice has been issued.

3. Having regard to the facts and circumstances of the case, the impugned notice in Lr.No.G/4/07 dated 23.03.2007 is directed to be treated as a show cause notice and the petitioner shall file an explanation to the said show cause notice within five (5) days from today. On receipt of the said representation/explanation within five (5) days from today the respondent shall consider and dispose the same in accordance with law, until then the respondent shall not demolish/remove the constructions on the alleged encroachment of the land.

The writ petition is accordingly disposed of. There shall be no order as to costs.

March 30, 2007
DSK

V. ESWARAIAH, J